

**REMARKS**

Claims 1-24 are pending in the application and are under consideration. The Office Action of February 20, 2003, has been carefully considered. New Claims 21-24 have been added to further define aspects of the present invention for which Applicant believes are patentable. Applicant appreciates the Examiners indication that Claims 10-14 and 16-20 are allowable; Claim 2-6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; Claims 7-9 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, as set forth in the Office Action, and to include all of the limitations of the base claim and any intervening claims; and Claim 15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, as set forth in the Office Action. Applicant requests that the Examiner consider the above amendments and the following remarks, and pass the application to allowance.

**RESPONSE TO OFFICE ACTION:**

**Drawings:**

The drawings were objected to under 37 C.F.R. §1.83(a) because they fail to show hinge element 206 as described at page 13, line 21 of the instant application, as it pertains to Figure 20.

Applicant has submitted herewith a Request for Approval of Drawing Changes, which amends Figure 20 to show a hinge element 206 as described at page 13, line 21 of the instant application. No new matter has been added. Accordingly, withdrawal of the objection is requested.

Claim Rejections - 35 U.S.C. §112:

Claims 7-9 and 15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the following phrases lack antecedent basis within the claims:

- i. Claim 7 (line 2), "the base."
- ii. Claim 8 (line 2), "the base."
- iii. Claim 9 (line 2), "the base."
- iv. Claim 15 (line 2), "the stack retainer."

Applicant has canceled Claims 7-9 without prejudice or disclaimer of the subject matter contained therein.

Claim 15 has been amended to recite a "disk handling system as set forth in claim 11, wherein each pawl includes a slot and the hopper includes pins that insert through the slots to hold each pawl, the pins and slots cooperate to enables the pawls to slide." (Emphasis added.) Accordingly, withdrawal of the rejection is requested.

Claim Rejection - 35 U.S.C. §102:

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Kurosu, U.S. Patent No. 5,123,005.

Claim 1 has been amended to recite "A memory storage disk handling system, comprising: a housing; an elevator pin mounted on the housing for lifting disks into a stack; a servo motor attached to the housing; and a linkage assembly attached between the servo motor and the elevator pin." (Emphasis added.)

Kurosu relates to a loading mechanism of a disk tray onto which recording medium disks such as compact disks, laser disks, or the like are set and which moves between a pull-out position at which the disk tray was pulled out of an outer casing and a pull-in position at which the disk tray was pulled into the outer casing. Kurosu, however, does not

teach or suggest an elevator pin mounted on the housing for lifting disks into a stack. As set forth in Kurosu, the "turn table 47 and the pickup 48 are projected into the disk setting portion 19 through the notch 8a of the circular concave portion 8 of the slide tray 7 and through the opening portion 21 of the disk setting portion 19." On the other hand, at this time, if the disk 20 is placed onto the disk setting portion 19, the disk 20 is put on the turn table 47 and the chucking member 12 locating over the turn table, so that the chucking is performed in a state in which the disk is slightly floating from the bottom portion of the disk setting portion 19. Col. 12, lines 21-32. Since the turn table 47 and pickup 48 do not stack the disks, Claim 1 should be allowable.

New Claims 21-24:

New Claim 21 recites a memory storage disk handling system. The system includes a housing; an elevator pin mounted on the housing for lifting disks; a servo motor attached to the housing; a base having a position sensor; and a linkage assembly between the servo motor and the elevator pin." Claims 21-24 are dependent from Claim 21, and recite the subject matter contained within original Claims 7-9.

Since none of the prior art teaches or suggests a memory storage disk handling system having a base with a position sensor, Claim 21 should be allowable. Claims 21-24 are dependent from Claim 21 and should also be allowable.

**CONCLUSION**

It is respectfully submitted that Claims 1-6 and 10-24 are presently in condition for immediate allowance, and such action is requested. If, however, any matters remain that could be clarified by Examiner's Amendment, the Examiner is cordially invited to contact the undersigned by telephone at the number below.

Respectfully submitted,

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